

REMARKS

This is in response to the final rejection set forth in the Office Action dated July 23, 2008.

In the Office Action the Examiner has maintained the rejection of Claims 24-34 and 36, under 35 U.S.C. § 103, based on U.S. Patent No. 5,491,418 to Alfaro et al. in view of EPA420-R-00-017 for Mitcham et al.

In the response to arguments, the Examiner has referenced column 3, lines 10-24 Alfaro to support the view that Alfaro discloses the use of only “one connector adapter per type of vehicle connector being connected to.” The Examiner further indicates a view that Alfaro discloses “that information such as make and model **may** be included in the vehicle connector but this would apply to only older vehicles where the manufacturer only used that one specific adapter on one specific model.”

Applicant notes that the referenced portion of the Alfaro reference relates to the front connector portion of the adapter disclosed in Alfaro. The referenced portion of Alfaro states:

Furthermore, the diagnostic tool is transportable between different automotive vehicles which may employ different communication protocols and have different connectors for interfacing with diagnostic tools. To accommodate such varying connectors, connector adapters are provided in this embodiment, all having a Burndy type connector on the front connector portion thereof, and each having a different connector type on the rear connector portion thereof. For example, the rear connector portion illustrated in FIG. 3 may be other than the S.A.E. J 1962 type connector. The rear connector portion may be configured in accord with conventional connector types used in automotive vehicles for diagnostic communications. The extent and variety of such connectors should only be limited by the number of diagnostic connector types available in the art for diagnosing electronic devices on automotive vehicles. The number of connector pins and the configuration of the pins of the rear connector portion may vary significantly from adapter to adapter, while all having common connector type on the front connector portion. [emphasis added] [Col. 3, Lines 10-28]

Alfaro goes on to note that each adapter is provided with a circuit element that serves to identify the device or vehicle connected to the adapter.

Common to each adapter in accord with this invention is the adapter circuit element 22, provided to identify the device or vehicle connected to the rear connector portion of the adapter. As described, each automotive vehicle or electronic device to be diagnosed through communication across adapter 10 may have a dedicated diagnostic communications interface, and thus may have a dedicated connector adapter, such as adapter 10. To provide specific identification of the device or vehicle to be diagnosed, the device-specific or vehicle-specific circuit element 22 is provided, such as a circuit element having an amount of electrical resistance, capacitance, or conductance that is unique to the device or vehicle that may be interfaced through the rear connector portion of the corresponding connector adapter. [emphasis added]
[Col. 3, Lines 48-55]

In short, Applicant respectfully submits that the Alfaro reference does not disclose or suggest the use of a single adapter for a whole range of vehicles. Instead, it suggests a device-specific, or vehicle-specific adapter, which may have a front connector portion that is common to other adapters. The device may also include a rear connector portion that may be configured in accord with conventional connector types. However, there is no indication in Alfaro that the identifying element included in each adapter, i.e., circuit element 22, would be common to a range of different type vehicles.

The process set forth in Applicant's claims specifies identifying features of the connector, which identifying features are correlated to an automotive diagnostic standard that is applicable to a wide range of vehicles. As previously noted, Alfaro does not disclose or suggest such methodology. More particularly, the portion of Alfaro referred to in the Examiner's Response to Arguments, i.e., the use of connector portions that may be common to multiple connectors does not alter the fact that the only adaptors disclosed in Alfaro include device or vehicle-specific elements, which distinguish the use of Alfaro adaptors from Applicant's invention.

RESPONSE TO ADVISORY ACTION DATED AUGUST 21, 2008

In advance of filing the accompanying Request for Continued Examination, Applicant submitted a proposed response to final rejection, after which an Advisory Action was issued on August 21, 2008. In the Advisory Action the Examiner indicated that the proposed amendment would not be entered insofar as the amendment is deemed not to place the application in better form for appeal, and did not place the application in a condition for allowance.

In the Advisory Action the Examiner stated as follows:

The request for continuation has been considered but does NOT place the application in condition for allowance because: The cited prior art still discloses the claimed invention. The section cited by Applicant solidifies the Examiner's position. The cited text includes "connector adaptors are provided in this embodiment, all having a Burndy type connector on the front portion thereof, and each having a different connector type on the rear connector portion thereof." This section shows that there are adaptors for each physical connector, not every type of vehicle that uses the connector. The reference states that the connector adaptors will have connectors other than SAE J1962, meaning that there will be only one connector adaptor for all of the cars that use SAE J1962 even though they may have different protocols and be different vehicles.

Applicant submits that the Examiner may have misconstrued Applicant's argument. Applicant does not suggest that the Alfaro reference requires a dedicated connector interface for each vehicle or type of vehicle. Applicant acknowledges that the reference allows for the use of a common connector interface, such as SAE J1962, for different vehicles and different protocols.

However, Applicant submits that the reference is premised on the use of a device-specific or vehicle-specific circuit element, disposed within the adaptor (column 3, lines 48-55). Notwithstanding the use of a common connector interface on the adaptor, which is simply necessary for engaging to the vehicle data port, the adaptors disclosed in the reference are device-specific or vehicle-specific, based upon the presence of a specific circuit element 22 within the adaptor. The circuit element 22 is identified and correlated to device-specific or vehicle-specific settings, including, but not limited to the associated protocol.

Without the circuit element 22 there is nothing in the Alfaro connector adaptor to identify any vehicle operating characteristics. In short, the circuit element 22 is not optional to the functionality of the connector adaptor of Alfaro. ("Common to each adapter in accord with this invention is the adapter circuit element 22, provided to identify the device or vehicle connected to the rear connector portion of the adapter.") By contrast, Applicant's invention allows for connector adaptors including common diagnostic standard identifying elements, to be used for multiple vehicles and types of vehicles.

Accordingly, it is not the pin patterns of the connector interfaces of Alfaro that makes the connectors device-specific or vehicle-specific. Rather, it is the identifying circuit element 22, disposed within the connector adaptor that makes it device-specific or vehicle-specific. As such, the device and process disclosed in the reference does not conform to Applicant's claimed methodology specifying "identifying physical features of the connector, the physical features directly identifying the automotive diagnostic standard associated with the vehicle under test, the physical features being unrelated to vehicle information other than identification of the automotive diagnostic standard based upon identification of the two pins associated by the jumper."

Application No.: 10/779,985
Response to Office Action dated February 26, 2008
Attorney Docket: EQUUS-106A

Reconsideration of the rejection is, therefore, respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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